

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF HAWAII

## Transcript Designation and Ordering Form

U.S. Court of Appeals Case No. \_\_\_\_\_ U.S. District Court Case No. 03-CV-00385 SOM-LEKShort Case Title Wayne Berry v. Hawaiian Express Service, Inc., et al.Date Notice of Appeal Filed by Clerk of District Court June 21, 2006**SECTION A - To be completed by party ordering transcript**

HEARING DATE(s)	COURT REPORTER	PROCEEDINGS(strike portion not desired)
See Attached Ex. "A"		<u>Voir Dire</u>
		<u>Opening Statements</u>
		<u>Settlement Instructions</u>
		<u>Closing Arguments</u>
		<u>Jury Instructions</u>
		<u>Pre-Trial Proceedings</u>
		<u>Other (please specify)</u>

(additional page for designations if necessary)

- ( ) I do not intend to designate any portion of the transcript and will notify all counsel of this intention.
- (X) As retained counsel (or litigant proceeding in pro per). I request a copy of the transcript and guarantee payment to the reporter of the cost thereof upon demand. I further agree to pay for work done prior to cancellation of this order.
- ( ) As appointed counsel I certify that an appropriate order authorizing preparation of the transcript at the expense of the United States has been, or within 5 days hereof will be, obtained and delivered to the reporter. I agree to recommend payment for work done prior to cancellation of this order.

Date transcript ordered n/a Estimated date for completion of transcript \_\_\_\_\_Print Name of Attorney Timothy J. Hogan Phone Number 528-9721Signature of Attorney Address Lynch Ichida et al. 1132 Bishop Street, Suite 1405, Honolulu, Hawaii 96813**SECTION B - To be completed by court reporter**I, \_\_\_\_\_ have received this designation.  
(signature of court reporter)

- ( ) Arrangements for payment were made on \_\_\_\_\_
- ( ) Arrangements for payment have not been made pursuant to FRAP 10(b).

\_\_\_\_\_ Approximate Number of Pages in Transcript--Due Date \_\_\_\_\_

**SECTION C - To be completed by court reporter**

When the transcript is filed, complete this section and submit to the U.S. district court with the completed transcript. The district court will not file the transcript without this completed form.

Date transcript filed \_\_\_\_\_ Court Reporter's Signature \_\_\_\_\_

**SECTION D - To be completed by the Clerk**

U.S. DISTRICT COURT CLERK: I certify that the record is available in the office of the U.S. District Court.S

Sue Beitia BY: \_\_\_\_\_  
 (U.S. District Court Clerk) (date) DEPUTY CLERK

The following Transcripts have been previously filed with the District Court and are hereby respectfully designated by the Plaintiff-Appellant Wayne Berry:

Date	Court Reporter	Matter	Docket No. or Date Filed
08/30/2004	Debra Chun	Preliminary Injunction	09/07/2004 <sup>1</sup>
09/28/2004	Debra Chun	Continued Preliminary Inj.	10/29/2004
02/27/2006	Steve Platt	Motions	951
02/28/2006	Steve Platt	Trial	952
03/01/2006	Steve Platt	Trial	953
03/02/2006	Steve Platt	Trial	954
03/03/2006	Steve Platt	Trial	955
03/07/2006	Steve Platt	Trial/ Permanent Injunction	956

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<sup>1</sup> Plaintiff believes that the docket entry dated 9/7/04 represents the filing of this transcript but the notation in the docket states "taken on 08/20/04".

**EXHIBIT "A"**